REMARKS

The Office Action of September 29, 2004 has been received and its contents carefully noted.

Applicants respectfully request the Examiner's acknowledgement of accepting replacement drawings filed on December 12, 2003.

Claims 1-38 are pending in the application. Claims 1, 18 and 36-38 have been amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claims 1-7, 10, 16, 18-24, 27, 34, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda et al. ("Maeda") (U.S. Patent No. 6,546,052) in view of Wakabayashi (JP 02128584). Claims 8-9, 11-13, 17, 25-26, 28-31, and 35 stand rejected under § 103(a) as being unpatentable over Maeda in view of Wakabayashi, and further in view of Hibino et al. ("Hibino") (JP 06165173A). Claims 14-15, and 32-33 stand rejected under § 103(a) as being unpatentable over Maeda in view of Wakabayashi, and further in view of Agraharam et al. ("Agraharam") (U.S. Patent No. 6,414,707). Applicants respectfully traverse these rejections, and request allowance thereof in the continuation prosecution application for the following reasons.

The Claims are Patentable Over the Cited References

Claims 1-7, 10, 16, and 36-38 are not made obvious by Maeda and Wakabayashi

Claims 1-7, 10, 16, 18-24, 27, 37, and 36-38 stand rejected under § 103(a) in view of Maeda and Wakabayashi.

Combination is Improper

The combination of Maeda and Wakabayashi is improper as these two references strongly teach away from each other, which would render Maeda unsatisfactory for its intended purpose in accordance with MPEP § 2143.01. Maeda teaches receiving an input video signal, extracting an object from the input video signal, and then separately encoding the extracted object (see FIGs. 1, 9, 12; col. 7, lines 18-22). In strong contrast, Wakabayashi teaches receiving and encoding a complete picture (including background and speaker object), and then separately storing each element in a background picture memory 14 and a current picture memory 15, respectively (see Abstract).

Thus, Maeda and Wakabayashi teach a completely different order of separation and encoding for the image processing. Maeda separates the video signal elements prior to individually encoding an extracted object, while in contrast Wakabayashi encodes the complete video signal (picture) and then

extracts individual elements (e.g., speaker image and background image) for separate storage. Also, Wakabayashi requires beforehand image processing of the background portion of an image prior to individual or other image being overlaid on the background. Therefore, any combination of Maeda and Wakabayashi would render Maeda unfit for it intended purpose. Maeda's purpose is to receive a video signal, separate out individual objects, and then individually encode the objects. Combining Maeda with Wakabayashi would not allow Maeda to operate as intended since Maeda could not longer individually encode the objects and would be forced to encode the complete video signal which is contrary to Maeda's intended operation and would render Maeda inoperable since the object extractor 103 of Maeda is a necessary element that cannot be omitted.

Further, the combination of Maeda and Wakabayashi is improper as Wakabayashi, as admitted in the Action, is limited to still picture data while Maeda is targeted towards moving picture data (see FIGs. 1, 9, and 12 – moving image editor 112, 201, 2112; col. 7, lines 9-11). Therefore, Maeda would be rendered inoperable for its intended purpose since it would become limited to still picture data which is strongly contrary to its purpose of image processing of moving picture data.

In accordance with MPEP § 2143.01, the combination of Maeda and Wakabayashi is improper as this combination would render the cited art

unsatisfactory for its intended purpose since Maeda and Wakabayashi teach contrasting orders of separation/encoding image processing, and teach contrasting types of picture data (still picture data for Wakabayashi and moving picture data for Maeda).

Claimed Invention is Distinguished

Claim 1 recites, *inter alia,* a video encoding/transmitting device for telephone comprising: a medium encoding means; a transmission stream composite means for combining a part or all of objects encoded by the medium encoding means, with an object which is different from object of the video signal supplied from outside and object-encoded in advance; and

a stream transmitting means.

Claim 18 recites, *inter alia,* a video receiving/decoding device for telephone comprising: a stream receiving means; a received-stream composite means for combining a part or all of objects in the video data received by the stream receiving means, with an object which is object-encoded in advance and a medium decoding means.

Claim 36 recites, *inter alia,* a video transmitting/receiving device for telephone comprising: a transmission processing unit having: a medium encoding means; a transmission stream composite means for combining a part or all of objects encoded by the medium encoding means, with an object which is object-

encoded in advance; and a stream transmitting means; and

a reception processing unit having: a stream receiving means; a received-stream composite means for combining an object in either or both of the video data and the audio data received by the stream receiving means, with an object which is object-encoded in advance; and a medium decoding means.

Claim 37 recites, *inter alia*, a video transmission system for telephone comprising: a video encoding/transmitting device having: a medium encoding means; a transmission stream composite means for combining a part or all of objects encoded by the medium encoding means, with an object which is object-encoded in advance; and a stream transmitting means and a receiving device.

Claim 38 recites, *inter alia*, a video transmission system for telephone comprising: a transmission device; and a video receiving/decoding device having: a stream receiving means; a received-stream composite means for combining an object in either or both of the video data and the audio data received by the stream receiving means, with an object which is object-encoded in advance; and a medium decoding means

Each of independent claims 1, 18, 36, 37 and 38, recite the feature of a video receiving device or video transmission device for a telephone. The claims include the feature of a stream composite means that is processed by the receiving device or transmission device.

In contrast, the combination of Maeda teaches a system that is designed for use for a television broadcasting station. The various devices and cameras are made for television broadcast and images and are not designed to be compatible with telephone transmission and use. See column 7-column 8.

Further, Maeda fails to teach or suggest a stream composite means within a transmitting or receiving device. The Office Action alleges that the stream composite means is taught by feature 2217 of Fig 14 in Maeda. However, Fig 14. refers to the moving image editor of Maeda's system. The moving image editor as seen in Fig. 1 of Maeda is a separate device from the transmitting devices and receiving devices of Maeda's system. Thus, Maeda necessarily requires a separate device from the transmitting and receiving devices for providing a stream composite means. This is contrary to the present invention in which the stream composite means is part of the transmitting and/or receiving device.

Further, Wakabayashi fails to provide a teaching or suggestion of a stream composite means within a receiving and/or transmission device.

20

Thus, the combination of the Maeda with Wakabayashi fails to teach each and every feature of independent claims 1, 18, 36, 37 and 38 as required.

Dependent claims 2, 6-7, 10, 14-15, 19, 24, 27 and 32-33 are not obvious in view of the combinations of Maeda, Wakabayashi, Agrharam and Hibino

Maeda and Wakabayashi, either alone or in combination, fail to disclose the features recited in the above-identified claims such as a control means for controlling the transmission stream composite means, the stream transmitting means, and the stream storage means in accordance with one of a communication destination and a communication date and time.

As admitted in the Action, both Maeda and Wakabayashi fail to disclose a control means for controlling the transmission stream composite means, the stream transmitting means, and the stream storage means in accordance with one of a communication destination and a communication date and time.

Further, the reference used to incorporate a control means, Agraharam, is solely limited to introducing user selected background environments during a video conference and makes no mention of combining object-encoded elements making it an improper reference to combine with Maeda and Wakabayashi. Object-encoding is a recited part of the claimed invention which is completely omitted from Agraharam making it irrelevant to combine with the other references.

Combining an object-encoded element with an element object-encoded in advance is significantly different from incorporating a user selected background environment (not object-encoded) into video conference session as disclosed by Agraharam. Further, Maeda could not operate as intended if using the non-objected-data of Agraharam since Maeda uses object-encoding (see FIG. 1 – object encoder 105).

Also, similarly, Wakabayashi makes no mention of object-encoding including combining an element object-encoded in advance making it an improper reference to combine with Maeda. Wakabayashi solely describes replacing a background picture using a previously prepared picture stored in a replacing picture memory 16 (see Abstract) without making any mention of object-encoding in contrast to the recited features. A previously prepared background picture is significantly distinct from an element object-encoded in advance as recited. And again, Maeda could not operate as intended if using the non-objected-data of Wakabayashi since Maeda uses object-encoding (see FIG. 1 – object encoder 105).

Similarly, Hibino fails to disclose these recited features. Therefore, the combination of Maeda, Wakabayashi, Hibino and Agraharam in any arrangement does not disclose the recited feature making the claimed invention patentably distinct and non-obvious from the cited references.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

The Examiner is invited to contact the undersigned at (703) 205-8000 to discuss the application.

Respectfully submitted,

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